IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

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)))	CIVIL ACTION FILE
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)	NO. 1:13-CV-00626-AT
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)	

AMENDED DECLARATION OF KRISTIN K. ZINSMASTER

- I, Kristin K. Zinsmaster, declare under penalty of perjury as follows:
- 1. I am over the age of eighteen and have personal knowledge of the facts contained herein. I am an associate in the Trial Department at Dorsey & Whitney LLP ("Dorsey") and am one of the attorneys representing Defendant Mayo Foundation for Medical Education and Research ("Mayo") in connection with the above-captioned action. I submit this declaration in support of Defendant's Motion to Dismiss Plaintiff Southeast Clinical Nutrition Centers, Inc.'s Complaint. I believe that the following documents are true and correct copies of what they purport to be.

- 2. Attached hereto as <u>Exhibit 1</u> is a true and correct copy of the relevant portions of *The Mayo Clinic Diet* (1st ed. 2010), including its front cover, spine, title page, copyright page, table of contents, the Introduction and How to Use this Book sections, the section heading pages from within the book, and its back cover.
- 3. Attached hereto as <u>Exhibit 2</u> is a true and correct copy of the relevant portions of the *The Mayo Clinic Diet Journal* (1st ed. 2010), including its front cover, spine, title page, copyright page, table of contents, the Get Started section, the section heading pages from within the journal, and its back cover.
- 4. Attached hereto as <u>Exhibit 3</u> is a true and correct copy of the relevant portions of *The Mayo Clinic Diabetes Diet* (1st ed. 2011), including its front cover, spine, title page, copyright page, table of contents, the Introduction and How to Use this Book sections, the section heading pages from within the book, and its back cover.
- 5. Attached hereto as <u>Exhibit 4</u> is a true and correct copy of the relevant portions of *The Mayo Clinic Diabetes Diet Journal* (1st ed. 2011), including its front cover, spine, title page, copyright page, table of contents, the Get Started Section, the section heading pages from within the journal, and its back cover.

6. Attached hereto as Exhibit 5 is a true and correct copy of the

copyright registration record, from the online Public Catalog of the United States

Copyright Office, for The Mayo Clinic Diet, obtained on May 7, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of the

Amazon.com listing for the hardcover edition of The Mayo Clinic Diet, obtained

on May 6, 2013.

8. Attached hereto as Exhibit 7 is a true and correct copy of the

Amazon.com listing for The Mayo Clinic Diet Journal, obtained on May 6, 2013.

9. Attached hereto as Exhibit 8 is a true and correct copy of a page from

The New York Times Book Review for January 24, 2010.

FURTHER DECLARANT SAYETH NAUGHT.

This the 24th day of May, 2013.

Kristin K. Zinsmaster

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email documentation of such filing to the following attorney of record:

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